

CITY OF  
**HAYWARD**  
HEART OF THE BAY

June 27, 2007

Shaelyn Stratten, Planner II  
California Energy Commission  
1516 Ninth Street, MS 40  
Sacramento, CA 95814-5512

<b>DOCKET</b> <b>01-AFC-7C</b>
<b>DATE</b> JUN 27 2007
<b>RECD.</b> JUN 29 2007

Dear Ms Stratten:

Earlier this month, you wrote the City asking for information about the application of the Airport Approach Zoning Regulations as it pertains to the Russell City Energy Center.

It appears that CEC is relying on these regulations as a basis for finding that RCEC is inconsistent with local Laws, Ordinances, Regulations, Standards (LORS) because of the conclusion that heat plumes generated by the plant would "endanger the landing, take off or maneuvering of aircraft." Separate from the technical issues associated with the actual plume analysis, I would like to address the issue of how Hayward's Airport Approach zoning regulations would be applied by the City.

Hayward Municipal Code Section 10-6.20, "Airport Zones," references a map designated as "The Airport Approach Zoning Plan for Hayward Air Terminal, Hayward, Alameda County, California" as establishing the basis for Section 10-6.35, "Use Restrictions." That map was adopted in 1963 and included a turning zone area that consisted of a circle with an 11,000 foot radius. The RCEC is within that radius. However, an understanding of what changes have occurred at the airport since that time is critical in understanding how that turning zone was established.

The 1963 map was based on the Airport Master Plan of 1962. At that time, as shown on the map, the Hayward Airfield had a cross wind runway at the north end of the airfield that was still in use which would have dictated the 11,000 foot circular turning zone. An early map from 1953 shows a third runway and indicates the 11,000 feet was based on Air National Guard requirements. Over the years, the City has prepared and adopted various master plans to guide aviation activity at the airport. Both the City's adopted 1984 Airport Master Plan and, more importantly, the adopted 2002 Airport Master Plan no longer include a cross wind runway and clearly show a different map now titled "California Land Use Safety Zones" (copy attached). That map shows an oval "Traffic Pattern Zone" consistent with the use of the runways as well as the Caltrans Division of Aeronautics Airport Land Use Planning Handbook and the draft update to the Airport Land Use Plan of the Alameda Land Use Commission. Hayward's Airport Master Plan and the ALUC 1986 Policy Plan use the present terminology of Safety Zones rather than what was listed in the 1964 Ordinance. Using the correct map that relates to airport safety zones shows the RCEC is 700 feet outside the Traffic Pattern Zone.

OFFICE OF THE CITY MANAGER

777 B STREET, HAYWARD, CA 94541-5007

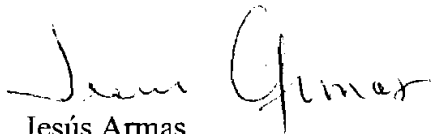
TEL: 510/583-4300 • FAX: 510/583-3601 • TDD: 510/247-3340

This is consistent also with the very low number of aircraft that have been shown to actually fly over the plumes, 0.4% or less of annual operations.

Based on the foregoing it has been determined that the location of the RCEC is not inconsistent with application of our ordinance, as described above. At the same time, City staff have consistently indicated and agreed that measures such as a posted NOTAMS would also be prudent.

I trust you will find this information helpful in completing your staff analysis. Should you have questions or need clarification, feel free to contact me by email at [Jesusa@hayward-ca.gov](mailto:Jesusa@hayward-ca.gov) or by telephone at 510.583.4305.

Very truly yours,

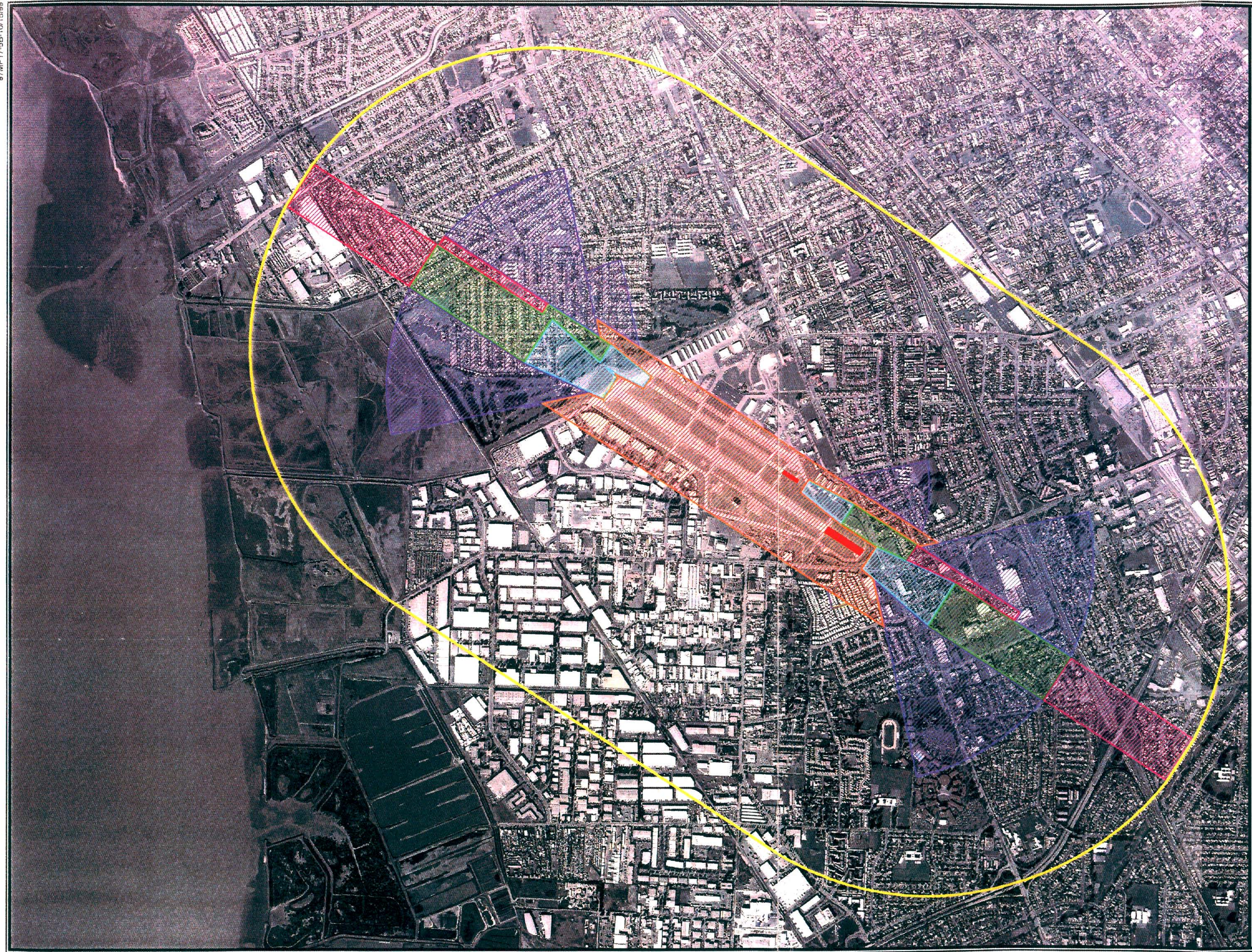
A handwritten signature in black ink, appearing to read "Jesús Armas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jesús Armas  
City Manager

Attachment



97MP17-5B-10/15/98



**LEGEND**

-  Proposed Pavement
-  Runway Protection Zone
-  Inner Safety Zone
-  Inner Turning Zone
-  Outer Safety Zone
-  Sideline Safety Zone
-  Traffic Pattern Zone



Date of Photo: December 14, 1998



HAYWARD  
EXECUTIVE  
AIRPORT



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA**

**Amendment to the APPLICATION  
FOR CERTIFICATION OF THE  
RUSSELL ENERGY CENTER  
POWER PLANT PROJECT**

**Docket No. 01-AFC-7C  
PROOF OF SERVICE  
(Revised 6/6/07)**

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

**CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 01-AFC-7C  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)**

**APPLICANT**

Michael A. Argentine, PE  
Director, Project Development  
Calpine Corporation  
104 Woodmere Road  
Folsom, CA 95630  
[margentine@calpine.com](mailto:margentine@calpine.com)

Marianna Isaacs,  
Administrative Manager  
Calpine Corporation  
3875 Hopyard Road, Suite. 345  
Pleasanton, CA 94588  
[misaacs@calpine.com](mailto:misaacs@calpine.com)

**Counsel for Applicant:**

Gregg L. Wheatland, Esq.  
Ellison, Schneider & Harris L.L.P.  
2015 H Street  
Sacramento, CA 95814-3109  
[glw@eslawfirm.com](mailto:glw@eslawfirm.com)

**CONSULTANT TO APPLICANT**

Doug Davy, Senior Project Manager  
CH2M HILL  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**INTERESTED AGENCIES**

Larry Tong  
East Bay Regional Park District  
2950 Peralta Oaks Court  
Oakland, CA 94605-0381  
[Ltong@ebparks.org](mailto:Ltong@ebparks.org)

Weyman Lee, PE  
Bay Area AQMD  
939 Ellis Street  
San Francisco, CA 94109  
[weyman@baaqmd.gov](mailto:weyman@baaqmd.gov)

Mark Taylor, Field Supervisor  
East Bay Regional Park District  
3050 West Winton Avenue.  
Hayward, CA 94545  
[hayward@ebparks.org](mailto:hayward@ebparks.org)

Alex Ameri, P.E.  
Deputy Director of Public Works  
777 B Street  
Hayward, CA 94541-5007  
[alexa@ci.hayward.ca.us](mailto:alexa@ci.hayward.ca.us)

Larry Tobias  
CA. Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630  
[LTobias@caiso.com](mailto:LTobias@caiso.com)

Bob Nishimura  
Bay Area AQMD.  
939 Ellis Street  
San Francisco, CA 94109  
[bnishimura@baaqmd.gov](mailto:bnishimura@baaqmd.gov)

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814  
[esaltmarsh@eob.ca.gov](mailto:esaltmarsh@eob.ca.gov)

#### **INTERESTED PARTICIPANTS**

CURE c/o Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)

Parker Ventures, LLC  
c/o Reneon & Roberts  
Ten Almaden Boulevard, Suite 550  
San Jose , CA 95113

#### **ENERGY COMMISSION**

JEFFREY D. BYRON  
Associate Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

JOHN L. GEESMAN  
Presiding Member  
[jgeesman@energy.state.ca.us](mailto:jgeesman@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Lance Shaw  
Project Manager  
[lshaw@energy.state.ca.us](mailto:lshaw@energy.state.ca.us)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

Public Adviser  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

### **DECLARATION OF SERVICE**

I, Mineka Foggie, declare that on 6/29/07, I deposited copies of the attached 6/27/07  
DOCUMENT CITY OF HAYWARD LETTER TO SHAELYN STATEN.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
[Signature]